

REVISED

## RESOLUTION NO. ZA2012-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2012-018 TO AMEND A PORTION OF COMPREHENSIVE SIGN PROGRAM NO. CS2006-001 FOR RENOVATION OF TWO EXISTING WALL SIGNS TO EXCEED THE MAXIMUM HEIGHT AND AREA LOCATED AT 690 NEWPORT CENTER DRIVE (PA2012-174)

THE ~~PLANNING COMMISSION~~ ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

## SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Irvine Company, with respect to property located at 690 Newport Center Drive, and legally described as PCL 3 of LLA 2011-001 requesting approval of a Modification Permit to amend a portion of an existing Comprehensive Sign Program.
2. The applicant requests a Modification Permit to amend the Comprehensive Sign Program to allow the renovation of ~~six-two~~ existing wall signs to exceed the maximum height and area permitted by the Zoning Code for a comprehensive sign program (more than a 20% increase in height and 30% increase in area). Each sign proposes a total combined area of 545-square-feet including the added logo upon the Newport Center Drive and Santa Cruz Drive building elevations.
3. The subject property is located within the Newport Center North (PC-56) Zoning District and the General Plan Land Use Element category is Mixed-Use Horizontal (MUH3).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on February 14, 2013, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the ~~Planning Commission~~ Zoning Administrator at this meeting.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project has been reviewed, and qualifies for a Class 11 (Accessory Structures) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15311, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).

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2. Class 11 exempts construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.

## SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The requested modification will be compatible with existing development in the neighborhood*

Facts in Support of Finding:

1. The proposed project is to expand the existing wall signs which are commonly seen on the multi-story buildings within the area.
2. The larger, taller buildings are common within the Newport Center area which have larger wall signs to adequately identify and provide direction to the public.

Finding:

- B. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use*

Facts in Support of Finding:

1. Due to the location of the existing signage at the top of the Island Hotel, a high-rise building, an increase in letter height and sign area is necessary for visibility.

Finding:

- C. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code*

Facts in Support of Finding:

1. The Island Hotel is located in Block 600 of Newport Center among several existing high-rise and multi-story buildings making visibility of the site location and identification more difficult for the general public.



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2. The increased size of the wall signs is appropriate to the scale and height of the buildings in the area and necessary to provide adequate visibility within the office and commercial area.

Finding:

*D. There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public*

Facts in Support of Finding:

1. The existing wall signs on two building façades have been at their location since the development of the hotel site in 1991 and there has been no history of detriment to the neighborhood.
2. Enlarging the monument signs or providing additional ground signs as an alternative could be detrimental and adversely impact circulation and contribute to sign clutter; while enlarging the existing wall signs provides a design solution to provide greater visibility and identification for the hotel with less impact, and without contributing to sign clutter on the ground.

Finding

*E. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code*

1. The increased size of the wall signs will provide better visual direction for the public from the surrounding public roadways and from a greater distance.
2. The location of the wall signs on the two building facades of the existing hotel does not affect views or impact the surrounding area since they are located on the existing building.

## SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves PA2012-174 for Modification Permit No. MD2012-018 to amend a portion of Comprehensive Sign Program No. CS2006-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

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2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 14<sup>th</sup> DAY OF FEBRUARY, 2013.**

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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"****PLANNING**

1. All proposed signs shall be in conformance with the approved amended Comprehensive Sign Program No. CS2006-001 for the project site and provisions of Chapter 20.42 of the Newport Beach Municipal Code.
2. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
3. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Island Hotel Sign Program including, but not limited to, Modification Permit No. MD2012-018(PA2012-174) to amend a portion of Comprehensive Sign Program No. CS2006-001. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.